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Attorney for Plaintiff
SUSAN RUSH

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SUSAN RUSH, an individual,
Plaintiff,
vs.

Case No.: 2:15-CV-01304-DSF-MANx
DECLARATION OF SUSAN RUSH

SANTA MONICA POLICE OFFICER
ROBERT FUJITA #3338; SANTA
MONICA POLICE OFFICER L. LOPEZ
#3805; CITY OF SANTA MONICA;
AND DOES 1 THROUGH 50,
INCLUSIVE,
Defendants.

I, Susan Rush, declare:

1. I am the Plaintiff in the above-entitled action. I can testify to the following facts of my own personal knowledge.
2. On March 29, 2014, I approached four African-American boys who appeared to be being detained by the police on the curb in the street on the south side of Broadway near the intersection of Broadway and 11th Street, because I thought I recognized them from my son's school and I felt that I should help them, as they appeared to be in some trouble.

DECLARATION OF SUSAN RUSH

1 3. I crouched down and asked one of the boys "Have you been able to call your
2 mom," and I then walked towards Defendant Robert Fujita, who was
3 standing near the building on the corner of Broadway and 11th Street behind
4 the boy I spoke to.

5 4. When I approached Defendant Fujita I was holding my iPhone in my hand
6 and I asked him for his name.

7 5. Defendant Fujita responded in a rude and angry voice "Are you filming me,
8 is that a weapon," and then suddenly snatched my phone out of my hand and
9 quickly walked away towards the corner.

10 6. Almost immediately Defendant Fujita came back towards me and grabbed
11 my left arm and threw me face first onto the sidewalk, and applied force
12 with his body against my back and arms for what felt like a long time
13 because I couldn't breathe.

14 7. While being forcibly held on the ground, I yelled, "I can't breathe," "you're
15 breaking my arm," "he's killing me," and "someone please help me."

16 8. Defendant Fujita handcuffed me while he was on top of me, as I lay on the
17 ground.

18 9. Defendant Lopez was present during the entire incident and could have
19 prevented Defendant Fujita from using excessive force against me and
20 arresting me.

21 10. My iPhone was not returned to me for several months, until the criminal
22 complaint brought against me by the defendants was dismissed.

23 11. I have viewed the in-car audio video recording of Defendant Fujita where I
24 see myself crossing the police vehicle parked in the middle of the street and
25 contains a time stamp of 18:17:07.
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DECLARATION OF SUSAN RUSH

1 12. I have heard the in-car audio video recording of Defendant Fujita where I
2 hear myself start screaming at the time stamp of 18:18:14.

3 I declare under penalty of perjury that the foregoing is true and correct.

4 Executed on October 26, 2015, at Santa Monica, California.

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6 [signature page attached]
SUSAN RUSH
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DECLARATION OF SUSAN RUSH